

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: ) CASE NO: 09-50614-659 Chapter 13  
 )  
MATTHEW T RABOLD )  
 ) Response Due: 04/15/2010  
CRISTINA M RABOLD ) Hearing: 4  
Debtor(s) )

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PLAN PAYMENTS AND NOTICE**

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee In bankruptcy, and for his Motion to Dismiss states as follows:

1. That the above captioned case was filed on Oct 21, 2009. The debtor's plan proposes to pay the sum of \$ 480.00 per month.
2. Pursuant to 11 U.S.C. 1326(a)(1) the debtor's first payment was due on November 20, 2009 .
3. That the Trustee has received payments from the debtor over the last nine months as set forth in exhibit A, attached hereto.
4. That the amount due to the Trustee to date is \$ 2,400.00 but the total paid into the plan to date is \$ 1,366.16 .
5. That the debtor is \$ 1,033.84 in default through Mar 25, 2010.

WHEREFORE, the Trustee prays the Court enter its order dismissing this Chapter 13 case for failure to make plan payments.

**NOTICE OF FILING OF MOTION TO DISMISS**

Please take notice that the Chapter 13 Trustee has filed a Motion to Dismiss. Any responsive pleadings including an amended plan, if one is to be filed, must be filed in writing with the US Bankruptcy Court, 111 S Tenth St, 4th Floor, St. Louis MO, 63102, and with the Chapter 13 Trustee at the address indicated below, within 21 days of the date of this notice. If no responsive pleading is filed, the motion may be granted without further notice to any party upon submission of an order from the Trustee. If a response is filed, this matter will be set for hearing upon subsequent notice.

The undersigned hereby certifies that a copy of the foregoing motion and notice was served upon the following either through the Court's ECF system or by regular mail this day of March 25, 2010 .

/s/ John V. LaBarge, Jr.

DAM-026

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John V LaBarge Jr Ch 13 Trustee  
P.O. Box 430908  
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M RABOLD  
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ST LOUIS MO

63139

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EXHIBIT A

RECEIPTS FROM Oct 21, 2009 TO Mar 25, 2010

RECEIPT DATE	RECEIPT AMOUNT	RECEIPT TYPE
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Nov 16, 2009	\$ 240.00	OFFICIAL BANK CHECK/DRAFT
Nov 30, 2009	\$ 240.00	OFFICIAL BANK CHECK/DRAFT
Jan 04, 2010	\$ 221.54	EMPLOYER PAYROLL DEDUCTION CHECK
Jan 19, 2010	\$ 221.54	EMPLOYER PAYROLL DEDUCTION CHECK
Feb 02, 2010	\$ 110.77	EMPLOYER PAYROLL DEDUCTION CHECK
Feb 16, 2010	\$ 110.77	EMPLOYER PAYROLL DEDUCTION CHECK
Mar 01, 2010	\$ 110.77	EMPLOYER PAYROLL DEDUCTION CHECK
Mar 15, 2010	\$ 110.77	EMPLOYER PAYROLL DEDUCTION CHECK